

**DELEGATION OF AUTHORITY  
GENERAL, ADMINISTRATIVE, MISCELLANEOUS**

Interagency Agreements and Memoranda of Understanding

**1. AUTHORITY.**

- a. To enter into and administer statutorily authorized Interagency Agreements between the U.S. Environmental Protection Agency and other federal agencies, state, tribal or local governments, which provide for the furnishing of goods or services and involve the transfer and expenditure of appropriated funds, the performance of activities and projects that involve the transfer and expenditure of appropriated funds or that allow the EPA to accept funds from state, tribal or local governments under statutes which authorize the agency to accept funds from these entities.
- b. To enter into Memoranda of Understanding, or equivalent instruments, between the agency and other federal agencies, state, tribal or local governments, foreign governments, international organizations, private sector organizations and individuals, which set forth basic roles and responsibilities regarding the collaboration or cooperation of the parties on matters of mutual interest, under which no transfer of funds occurs.

**2. TO WHOM REDELEGATED.**

- a. The authority in 1.a. is redelegated through the Director, Mission Support Division, or equivalent, and through the Award Official for Region 10 – IASSC West, or equivalent, to the Associate Award Official for Region 10 – IASSC West, or equivalent.
- b. The authority in 1.a. to sign administrative and non-monetary actions is redelegated through the Director, Mission Support Division, or equivalent, and through the Award Official for Region 10 – IASSC West, or equivalent, and through the Associate Award Official for Region 10 – IASSC West, or equivalent, to grant specialists in the Grants and Interagency Agreements Branch, or equivalent.
- c. The authority in 1.b. is redelegated to the:
  - i. Director, Air and Radiation Division, or equivalent.
  - ii. Director, Enforcement and Compliance Assurance Division, or equivalent.
  - iii. Director, Superfund and Emergency Management Division, or equivalent.
  - iv. Director, Land, Chemical, and Redevelopment Division, or equivalent.
  - v. Director, Water Division, or equivalent.
  - vi. Director, Laboratory Services and Applied Science Division, or equivalent.
- d. The authority in 1.b. for actions under the National Response Framework when an emergency requires immediate action and the other agency may not initiate activities without written authorization is redelegated to the Emergency Support Function #10 Regional Chair, or equivalent.

### **3. LIMITATIONS.**

- a. The authority to enter into an MOU under Section 1.b. may not be exercised unless the regional counsel, or their designee, concurs on the MOU.
- b. In accordance with the Federal Acquisition Regulation, an IA involving interagency acquisitions authorized by the *Economy Act of 1932* and initiated by the agency cannot be signed unless an agency contracting officer, with authority to contract for the supplies or services to be ordered, first signs a Determination and Findings in support of the IA.
- c. An Economy Act IA initiated by the agency that does not involve an interagency acquisition cannot be signed unless the project officer for the IA first signs a D&F in support of the IA.

### **4. REDELEGATION AUTHORITY.**

- a. The authority in 1.a. may be redelegated to grant specialists, and no further.
- b. The authority in 1.b. may be redelegated to the branch chief level, and no further.
- c. The authority in 1.b. for actions under the National Response Framework when an emergency requires immediate action and the other agency may not initiate activities without written authorization is redelegated to the Emergency Support Function #10 Regional Chair, or equivalent, and no further.
- d. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

### **5. SUPERSESSION.** This delegation supersedes R10 1-11 (08/16/2018) and any other delegation of the same authority.

### **6. ADDITIONAL REFERENCES.**

- a. Statutory authority for the agency to enter into IAs is contained in the *Economy Act*, 31 U.S.C. § 1535, the Intergovernmental Cooperation Act, 35 U.S.C. § 6501, and in the “cooperation” and other provisions of agency program statutes. In addition, the agency receives funds from the United States Agency for International Development under Section 632 of the *Foreign Assistance Act*, 22 USC § 2392, and from the Department of State under Section 8 of the Department of State *Basic Authorities Act*, 22 U.S.C. § 2675.
- b. As used in this delegation, the term “Interagency Agreements” includes agreements between the agency and other federal agencies’ IAs and between the agency and state and local governments’ IAs entered into under the authority of the *Intergovernmental Cooperation Act* and other statutes.
- c. These authorities shall be exercised in accordance with policies and procedures set forth in the *Interagency Agreement Policies, Procedures and Guidance Manual (2008)* or equivalent guidance relating to IAs.
- d. Authority to enter into MOUs is contained in cooperation with other provisions of the EPA statutes or other laws.
  - i. *Clean Air Act*, Section 102(b) [42 USC 7402(b)]

- ii. *Clean Air Act*, section 103(b)(2) [42 USC 7403(b)(2)]
- iii. *Clean Water Act*, Section 104(b)(2) [33 USC 1254(b)(2)]
- iv. *National Defense Authorization Act*, Section 325(d) of Pub. L. 104-106
- v. *Clean Water Act*, Section 518(b) and (e) [33 USC 1377(b) and (e)]
- vi. *Comprehensive Environmental Response Compensation and Liability Act*, Section 104(i) [42 USC 9604(i)(1)]
- vii. *Comprehensive Environmental Response Compensation and Liability Act*, Section 311 [42 USC 9660]
- viii. *Federal Insecticide, Fungicide, and Rodenticide Act*, Section 17(d) [7 USC 136o(d)]
- ix. *Federal Insecticide, Fungicide, and Rodenticide Act*, Section 20(a) [7 USC 136r(a)]
- x. *Federal Insecticide, Fungicide, and Rodenticide Act*, Section 22 [7 USC 136t(b)]
- xi. *Marine Protection, Research, and Sanctuaries Act*, Section 203 [33 USC 1443]
- xii. *National Environmental Education Act*, 20 USC 5503(b)(3) and (11)
- xiii. *Toxic Substances Control Act*, Section 10 [15 USC 2609]
- xiv. *Solid Waste Disposal Act, Resource Conservation and Recovery Act*, Section 8001(a) [42 USC 6981(a)]
- xv. *Water Resources Research Act*, 42 USC 10303(h)(1)(D)
- xvi. Strategic Environmental Research and Development Program Council, 10 USC 2902(e)(6)
- xvii. *Oil Pollution Act (OPA) of 1990*, Section 7001(a)(2) [33 USC 2761(a)(2)]
- xviii. *Great Lakes Fisheries Act*, 16 USC 939a
- xix. *Integrated Coastal and Ocean Observation System Act of 2009*, Section 12305 [33 USC 3604]
- e. EPA Interagency Agreement Shared Service Center Service Level Agreement dated May 2009.
- f. EPA offices and regions should refer to the Office of the Chief Financial Officer's Resource Management and Directive System Chapter 2540-13 to assess full (i.e. direct and indirect) costs to other agencies, per the Statement of Federal Financial Accounting Standards No. 30, Inter-Entity Cost Implementation Amending SFFAS 4, Managerial Cost Accounting Standards and Concepts. Both federal and non-federal full costs will be assessed for IAs entered into under all non-cooperation authorities unless the authority expressly prohibits the charging of full costs. Authorities exempt from charging are: Working Capital Fund and Shared Services (e-rulemaking). <http://intranet.epa.gov/ocfo/policies/resources.htm>.
- g. Office of the Chief Financial Officer's Resource Management and Directive System. Chapter 2540-13.
- h. The agency requires the use of IAs to transfer goods and services and related funds between it and other federal agencies. During disasters, the agency will transfer goods and services under a Mission Assignment, IA and/or Emergency Funding Authorization, depending on the nature of the response. The EFA is a simpler version of the agency's IA and is only used for disaster-response support tasks. If another

federal agency agrees, the EFA also may be used when the agency provides response support. For additional information refer to the agency's "Disaster and Emergency Response Mission Assignment Guidance." October 1997 (EPA 540-R-97- 034).

- i. EPA Delegation 1-11.

APR 15 2019

                      
Date

A handwritten signature in black ink, appearing to read "CH Hladick", written over a horizontal line.

Chris Hladick  
Regional Administrator